

**Regulation 5116.1 Intradistrict Open Enrollment**

**Status: ADOPTED**

**Original Adopted Date:** 06/10/1992

**Last Revised Date:** 08/28/2024

**Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes. The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

**Transfers from a "Persistently Dangerous" School**

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

### **Intradistrict Transfer (Short-Term)**

The intradistrict transfer is a short-term transfer applicable for one school year or part thereof. Intradistrict transfers expire every year and families have the option to apply yearly or submit an Open Enrollment (long-term) transfer request in the fall.

Applications for Intradistrict Transfer shall be submitted between March 1 and April 30 of the school year preceding the school year for which the transfer is requested. Approval of any Intradistrict Transfer Application is subject to space availability at the receiving school. It is the parent's responsibility to provide transportation for the student to and from the school of requested attendance.

Except for priorities listed in Board Policy 5116.1, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity.

### **Open Enrollment Transfer (Long-Term)**

The Open Enrollment Transfer is a long-term transfer that changes an individual student's school boundary and associated matriculation pattern through 12th grade.

Open Enrollment Transfer requests shall be submitted between September 15 and November 30 of the school year preceding the school year for which the transfer is requested. It is the parent's responsibility to provide transportation for the student to and from the school of requested attendance.

### **Other Intradistrict Open Enrollment**

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's website.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the

year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.

3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

### Information

Information will be posted on the NUSD website enrollment page. Information will include:

1. School boundary information
2. Transfer timelines and procedures
3. Forms/process to request transfers

06/10/1992  
02/1995  
10/1995  
03/2003  
11/2008  
06/17/2009  
10/2011  
03/08/2017  
08/28/2024

### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State

5 CCR 11992-11994  
Ed. Code 200

Ed. Code 35160.5  
Ed. Code 35291-35291.5  
Ed. Code 35351  
Ed. Code 46600-46611  
Ed. Code 48200  
Ed. Code 48204  
Ed. Code 48300-48316

Ed. Code 48980

#### Federal

#### Description

Definition of persistently dangerous schools  
[Equal rights and opportunities in state educational institutions](#)  
[District policies; rules and regulations](#)  
[Rules](#)  
[Assignment of students to particular schools](#)  
Interdistrict attendance agreements  
[Compulsory attendance](#)  
[Residency requirements for school attendance](#)  
[Student attendance alternatives; school district of choice program](#)  
[Parent/Guardian notifications](#)

#### Description

20 USC 6311  
20 USC 6313

20 USC 7912

**Management Resources**

Attorney General Opinion  
California Department of Education  
Publication  
California Department of Education  
Publication  
Court Decision

U.S. Department of Education Publication  
Website  
Website  
Website  
Website

**Cross References**

**Code**

0450  
0450  
0520.1  
1312.3  
1312.3  
1312.3-E(1)  
1312.3-E(2)  
3540  
3541  
5020  
5020  
5111  
5111  
5111.1  
5111.1  
5116  
5116.2  
5117  
5117  
5131.2  
5131.2  
5131.7  
5131.7  
5145.6  
5145.6-E(1)  
6117  
6164.6  
6164.6  
6173.1  
6173.1  
6181  
6181  
9000  
9310

5116.1 AR

State plan  
Eligibility of schools and school attendance areas; funding  
allocation

Transfers from persistently dangerous schools

**Description**

85 Ops.Cal.Atty.Gen. 95 (2002)  
Every Student Succeeds Act - Update #8, July 14, 2017

Public School Choice FAQs

Crawford v. Huntington Beach Union High School District  
(2002) 98 Cal.App.4th 1275

Unsafe School Choice Option, May 2004

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education](#)

**Description**

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[Comprehensive And Targeted School Improvement](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Transportation](#)

[Transportation Routes And Services](#)

[Parent Rights And Responsibilities](#)

[Parent Rights And Responsibilities](#)

[Admission](#)

[Admission](#)

[District Residency](#)

[District Residency](#)

[School Attendance Boundaries](#)

[Involuntary Student Transfers](#)

[Interdistrict Attendance](#)

[Interdistrict Attendance](#)

[Bullying](#)

[Bullying](#)

[Weapons And Dangerous Instruments](#)

[Weapons And Dangerous Instruments](#)

[Parent/Guardian Notifications](#)

[Parent/Guardian Notifications](#)

[Year-Round Schedules](#)

[Identification And Education Under Section 504](#)

[Identification And Education Under Section 504](#)

[Education For Foster Youth](#)

[Education For Foster Youth](#)

[Alternative Schools/Programs Of Choice](#)

[Alternative Schools/Programs Of Choice](#)

[Role Of The Board](#)

[Board Policies](#)

